

**Lee County Board of County Commissioners
Agenda Item Summary**

Blue Sheet No. 20020418

1. REQUESTED MOTION:

ACTION REQUESTED: Approve the Resolution of Necessity for the acquisition and condemnation of parcels required for Veterans Memorial Parkway Extension, from Surfside Boulevard to Chiquita Boulevard, Project No. 5020.

WHY ACTION IS NECESSARY: The Board must formally approve the Resolution of Necessity prior to proceeding with condemnation of parcels for the project.

WHAT ACTION ACCOMPLISHES: Allows the County to proceed with condemnation, if necessary, so parcels can be acquired for the Veterans Memorial Parkway Extension, from Surfside Boulevard to Chiquita Boulevard.

2. DEPARTMENTAL CATEGORY: 11
COMMISSION DISTRICT #: 1

A11A

3. MEETING DATE:
05-07-2002

4. AGENDA:

- CONSENT ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON

TIME REQUIRED:

5. REQUIREMENT/PURPOSE:

(Specify)

- STATUTE 73, 74, 125, 127
- ORDINANCE
- ADMIN.
- OTHER

6. REQUESTOR OF INFORMATION

- A. COMMISSIONER
- B. DEPARTMENT County Attorney
- C. DIVISION Litigation
- BY: John Renner, Assistant County Attorney

7. BACKGROUND:

Construction of Veterans Memorial Parkway Extension, from Surfside Boulevard to Chiquita Boulevard, Project No. 5020, will improve traffic flow in this section of Cape Coral, and complete another phase of the road expansion project.

Approval of the Resolution of Necessity is required should condemnation proceedings be necessary for the acquisition of parcels required for the project (shown on Attachment to Blue Sheet)

Funds are available in Account No. 20502030721.50.6110

- 20 - Capital Projects
- 5020 - Veterans Memorial Parkway Surfside to Chiquita
- 307 - Transportation Capital Improvement
- 21 - Cape Coral Capital
- 50.6110 - Land

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other CO. LANDS	E County Attorney	F Budget Services				G County Manager
					OA	OM	RISK	GC	
<i>[Signature]</i>			<i>[Signature]</i>	<i>[Signature]</i>	<i>PM 4/22/02</i>	<i>4/22/02</i>	<i>4/24</i>	<i>4-22-02</i>	<i>DRS 4-24-02</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

CO. ATTY.
FORWARDED
TO CO. ADMIN.
4-22-02

RECEIVED BY
COUNTY ADMIN.
4/22/02 3:15pm
To Co Atty
4/22 255

ATTACHMENT TO BLUE SHEET NO. 20020418

Parcel 1501

Lots 1 and 2, Block 4781, Unit 71, Cape Coral Subdivision, according to the map or plat thereof filed and recorded in the Office of the Clerk of the Circuit Court, in Plat Book 22, Page 88, Public Records of Lee County, Florida.

Parcel 1504

Lots 67 and 68, Block 4847, Unit 71, Cape Coral Subdivision, according to the map or plat thereof filed and recorded in the Office of the Clerk of the Circuit Court, in Plat Book 22, Page 88, Public Records of Lee County, Florida.

Parcel 1505

Lots 65 and 66, Block 4847, Cape Coral Unit 71, according to the map or plat thereof filed and recorded in the Office of the Clerk of the Circuit Court, in Plat Book 22, Page 88, Public Records of Lee County, Florida.

Parcel 1506

Lots 3 and 4, Block 4847, Cape Coral Unit 71, according to the map or plat thereof filed and recorded in the Office of the Clerk of the Circuit Court, in Plat Book 22, Page 88, Public Records of Lee County, Florida.

Parcel 1507

Lots 1 and 2, Block 4847, Unit 71, Cape Coral Subdivision, according to the map or plat thereof filed and recorded in the Office of the Clerk of the Circuit Court, in Plat Book 22, Page 88, Public Records of Lee County, Florida.

Parcel 1508

Lots 67 and 68, Block 4849, Unit 71, Cape Coral Subdivision according to the map or plat thereof filed and recorded in the Office of the Clerk of the Circuit Court, in Plat Book 22, Page 88, Public Records of Lee County, Florida.

Parcel 1509

Lots 65 and 66, Block 4849, Cape Coral Unit 71, according to the map or plat thereof filed and recorded in the Office of the Clerk of the Circuit Court, in Plat Book 22, Page 88, Public Records of Lee County, Florida.

Parcel 1510

Lots 1, 2, 3, and 4, Block 4849, Unit 71, Cape Coral Subdivision according to the map or plat thereof filed and recorded in the Office of the Clerk of the Circuit Court, in Plat Book 22, Page 88, Public Records of Lee County, Florida.

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Parcel 1553

Lots 10 and 11, Block 5881, Cape Coral Unit 92, according to the map or plat thereof filed and recorded in the Office of the Clerk of the Circuit Court, in Plat Book 25, Page 26, Public Records of Lee County, Florida.

Parcel 1558

Lots 20 and 21, Block 5881, Cape Coral Unit 92, Cape Coral Subdivision, according to the map or plat thereof filed and recorded in the Office of the Clerk of the Circuit Court, in Plat Book 25, Page 26, Public Records of Lee County, Florida.

Parcel 1561

Lot 1, Block 5880, Cape Coral Unit 92, according to the map or plat thereof filed and recorded in the Office of the Clerk of the Circuit Court, in Plat Book 25, Page 26, Public Records of Lee County, Florida.

Parcel 1562

Lots 2 and 3, Block 5880, Cape Coral Unit 92, according to the map or plat thereof filed and recorded in the Office of the Clerk of the Circuit Court, in Plat Book 25, Page 26, Public Records of Lee County, Florida.

Parcel 1563

Lots 3 and 4, Block 4853, Cape Coral Unit 71, according to the map or plat thereof filed and recorded in the Office of the Clerk of the Circuit Court, in Plat Book 22, Page 88, Public Records of Lee County, Florida.

Parcel 1564

Lots 1 and 2, Block 4853, Cape Coral Unit 71, according to the map or plat thereof filed and recorded in the Office of the Clerk of the Circuit Court, in Plat Book 22, Page 88, Public Records of Lee County, Florida.

Parcel 1565

Lots 1 and 2, Block 4789, Cape Coral Unit 71, according to the map or plat thereof filed and recorded in the Office of the Clerk of the Circuit Court, in Plat Book 22, Page 88, Public Records of Lee County, Florida.

Parcel 1566

Lots 33 and 34, Block 4780, Cape Coral Unit 71, according to the map or plat thereof filed and recorded in the Office of the Clerk of the Circuit Court, in Plat Book 22, Page 88, Public Records of Lee County, Florida.

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Parcel 1567

Lots 22 and 23, Block 4803, Cape Coral Unit 71, according to the map or plat thereof filed and recorded in the Office of the Clerk of the Circuit Court, in Plat Book 22, Page 88, Public Records of Lee County, Florida.

Parcel 1570

Lot 50, Block 5881, Unit 92, Cape Coral, according to the map or plat thereof filed and recorded in the Office of the Clerk of the Circuit Court, in Plat Book 25, Page 26, Public Records of Lee County, Florida.

Parcel 1571

Lot 1, Block 5882, Unit 92, Cape Coral, according to the map or plat thereof filed and recorded in the Office of the Clerk of the Circuit Court, in Plat Book 25, Page 26, Public Records of Lee County, Florida.

Parcel 1572

Lot 50, Block 5882, Unit 92, Cape Coral, according to the map or plat thereof filed and recorded in the Office of the Clerk of the Circuit Court, in Plat Book 25, Page 26, Public Records of Lee County, Florida.

Parcel 1573

Lots 20 and 21, Block 4803, Unit 71, Cape Coral Subdivision according to plat thereof recorded in Plat Book 22, Pages 88 through 107, in the Public Records of Lee County, Florida.

Parcel 1574

Lots 18 and 19, Block 4803, Unit 71, Cape Coral Subdivision according to plat thereof recorded in Plat Book 22, Pages 88 through 107, in the Public Records of Lee County, Florida.

Parcel 1575

Lots 10 and 11, Block 5890, Unit 92, Cape Coral Subdivision, according to plat thereof recorded in Plat Book 25, Pages 26 through 34, in the Public Records of Lee County, Florida.

Parcel 1576

Lots 26, 27, and 28, Block 5920, Unit 92, Cape Coral Subdivision, according to plat thereof recorded in Plat Book 25, Pages 26 through 34, in the Public Records of Lee County, Florida.

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Lots 24 and 25, Block 5920, Unit 92, Cape Coral Subdivision, according to plat thereof recorded in Plat Book 25, Pages 26 through 34, in the Public Records of Lee County, Florida.

Parcel 1578

Lots 22 and 23, Block 5920, Unit 92, Cape Coral Subdivision, according to plat thereof recorded in Plat Book 25, Pages 26 through 34, in the Public Records of Lee County, Florida.

Parcel 1579

Lots 7, 8, and 9, Block 4852, Unit 71, Cape Coral Subdivision, according to plat thereof recorded in Plat Book 22, Pages 88 through 107, in the Public Records of Lee County, Florida.

Parcel 1580

Lots 5 and 6, Block 4852, Unit 71, Cape Coral Subdivision, according to plat thereof recorded in Plat Book 22, Pages 88 through 107, in the Public Records of Lee County, Florida.

Parcel 1581

Lots 3 and 4, Block 4852, Unit 71, Cape Coral Subdivision, according to plat thereof recorded in Plat Book 22, Pages 88 through 107, in the Public Records of Lee County, Florida.

**RESOLUTION OF NECESSITY
OF THE BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA**

WHEREAS, after consideration of the availability of alternative routes, the costs of the project, environmental factors, long range area planning, and safety concerns, The Board of County Commissioners of Lee County, Florida, desires to exercise its right to condemn property for public use or purpose and that the property to be condemned is necessary for that use.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY FLORIDA, that:

The Capital Improvement Project provides for the construction of Veterans Memorial Parkway Extension, Project No. 5020, from Chiquita Boulevard to Surfside Boulevard in Cape Coral.

SECTION ONE: USE, NECESSITY AND DESCRIPTION OF PROPERTY

The Board of County Commissioners finds that the fee simple rights to property described in the attached Exhibit "A" are necessary for the Veterans Memorial Parkway Extension Project, and is being acquired for the following specific public use or purpose:

To improve traffic flow and **transportation safety, increased traffic flow for public as well as private vehicles, improved evacuation routes**, improve Veterans Parkway to four lanes with sidewalks, **stormwater drainage**, and utilities. Exhibit A consists of Parcels 1501, 1504, 1505, 1506, 1507, 1508, 1509, 1510, 1553, 1558, 1561, 1562, 1563, 1564, 1565, 1566, 1567, 1570, 1571, 1572, 1573, 1574, 1575, 1576, 1577, 1578, 1579, 1580, and 1581.

SECTION TWO: AUTHORITY AND ESTATE

By virtue of the authority granted to the Board of County Commissioners of Lee County by Chapters 73, 74, 125 and 127, Florida Statutes, and all other statutory or common law which grant to the Board of County Commissioners the power to institute and proceed with acquiring property under the exercise of the power of eminent domain, the Board of County Commissioners hereby authorizes and directs the County Attorney's Office to commence and prosecute any and all proceedings necessary to acquire fee simple interest in the property described in Exhibit "A", subject to utility and drainage easements of record, for the above described public use or purpose.

Resolution of Necessity

Page 2

The foregoing Resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____, and upon being put to a vote was as follows:

Robert Janes	_____
Douglas St. Cerny	_____
Ray Judah	_____
Andrew W. Coy	_____
John E. Albion	_____

DULY PASSED AND ADOPTED this _____ day of _____, 2002.

ATTEST:
CHARLIE GREEN, CLERK

LEE COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

By: _____
Deputy Clerk

Chairman

APPROVED AS TO FORM:

Office of County Attorney

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